App F IX 4

Previous Referenc s

19 57-L
(Vol)

File No 92-5

Serial Nos.
88, 89

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for December 1951

SUBJECT

Compounding of Certain Civil Suits by the Channapatna Town Mthy

No L 10123-51/J 24-12-51

P17
K-E

D C Bangalore
C/S A-D
P&T TMC Channapatna

Permits

27/12/51

6062
L

Letter no MCC 2554/50-51 dt 29-11-50 from the Dy Commr, Bangalore Dt, in the matter of Compromising certain civil cases by the Chennapatna Town mcl.

The letter received from the Dy Comm, Bangalore Dt is submitted for Perusal. More details of the cases have not been given in the D.C.s letter

"C" 2) Kind reference is invited to the letter dated the 27th Nov 1950 addressed to the Dy Commr, Bangalore Dt by the Odt, Town mcl of Chenna-patna Dt giving the facts in detail

3) Under section 176(1) of the Mysore Town mcles Act, 1933, the mcl are competent to effect Compromise in respect of any suit instituted by or against it

4) The Dy Comm in Para 2 of his letter states that the mcl have been intimated to decide the same according to the merits of the individual cases after obtaining necessary Legal opinion on the matter

5) The D.C also states in Para 3 of his letter that the mcl is sure to lose its income by this Compromise, that it may also affect the Policy of Govt & that such Compromise may give rise to many more claims for refund of octroi Paid by other cloth merchants on handloom Sarees imported by them, into the limits of

6062
L

or any other matters

b) The legal opinion obtained by the Channapatna Town Mcpl, the result of the case Posted for 22 11-50 would be called for if appld
Submit for orders

7) yes MS 8/12

7/12 Hdy 8/12

8) Submit with a draft letter for appl

4/12 Hdy 11/12

9) Done MS 12/12

To The Dy Commr, Bloreore
No L9567 Dy 20/12/50

Calls for some information

Submt 22/12

Letter no M 6 2554/50-51 Dy 18th Jan 1951 from the Dy Comr Bloreore forwarding a letter received from the Presidt MC of Channapatna stating that decrees have since been passed on 20 12 1950 against the Municipality -

Subsequent letter no M 6 2554/50-51 Dy 24/1/51 from the Dy Comr Bloreore forwarding a copy of Judgment delivered by the Munsiff Ramanagaram passing a decree for Rs 1800/- against the Municipality -

compromise of certain civil suits by
Chinnaswamy Mudaliyar—

10/ Subd The Deputy Comr. has sent a
copy of the decree passed by the Munsiff
6062 Ramanagaram ordering the payment of
7229 a sum of Rs 1800 to Sri V Narayana
7612 Iyengar the Plaintiff. He states that
as nothing can be gained by going in
appeal, the amount may be ordered
'M' to be paid to the party. In his letter of 29/11/50
he states that the party has agreed to
receive Rs 1700 only & to allow the
Com. But as the decree of the Court is
for Rs 20 12 50 is for Rs 1,800 the latter
sum has perhaps to be paid

11/ In para 6, the Dy Comr. raises another
point for consideration & orders viz whether
the word "necessaries" is to be classified
as including cloths manufactured by
Power Loom & Handloom

Subd for orders.

28/3/51

12/ The munsiff of Ramanagaram
has passed a decree recognising the
compromise effected bet the Plaintiff
and the Ramanagaram Chamundeshwari
Power mills (the defendants) &

1412/14
3890/M Compromise of certain civil suits by Channapatna

has ordered that the mfty shd pay a sum of Rs 1800/- as consideration to Sri S Narain Swamy in the third case involved in the Compromise in which a revision petn was filed before the High Court, the Court has dismissed the petn

13) The mcl of Channapatna have passed a resolution at their meeting held on 17-1-51 agreeing to pay the decreed amount to Sri Narayana Swamy.

14) With reference to this office letter dated 20 12 50 Flag K, the Deputy Comm has reported the decision of the case pending in the civil Court and the action taken by the mfty in pursuance of the Court decree no further action is called for

S S & Secy) MS 16/4

15) Nil 23/4) MS 23/4

From The Deputy Commissioner, Bangalore District

No MB-2554/50-51 dt the 9th Sept 1951

Requests early orders in the matter

16) The points for orders have been enumerated in paras 10 & 11 of the notes ~~enclosed~~ ~~for~~ ~~orders~~ as stated in the DC's letter dt 24/51 (Flag M) ~~dt~~ ce to pay a sum of Rs 1,800/- to Sri Narayanaswamy as decreed by the Munsiff of Ramanagaram and to the classification and interpretation of the word "Piece goods"

17) Rupees 1800/- may be

Sd/- 1/11/51 MS 1/11/51

KAS 25/9 MS 25/9

Compounding of certain Civil Suits by the Channapatna Municipality

DEPARTMENT OF INFORMATION 7412 5 3890/M

Name of Paper Date 195

ordered to be paid from the closing balances of the Mcty

18) As regards the clarification of the term 'piece goods' separate action will be taken

Secy LSG 2/11/57

19) Govt will consider pay be permitted to pay the amount due under the decree

Govt LSG Thro' Law Secy

5/11/1957

8157 5/11 9/11

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT No 4214 Date 6/11/57

8078 7/11

Sc 3/XI 3/11

20) 5/11 Sc 5/XI 6/11

21) 18/11/57 Sc 19/XI 19/11

Compounding of Certain Civil Suits by the Channapatna Municipality

389 V M
M 92-51-89

22) A Draft G O to put up for approval

KAS
13/12

23) Issue

14/12

SMS
13/12/89

G O No L 10123-5 | M 92-51-89 dt 24/12/89,
Permits to pay the amount due under decree

To The D C & the Asst
The C S A-D.
The Pdt T M-C Channapatna

'B'

Office of the Deputy Co missioner
Ban alore District,
Ban alore, D ted 20t Nov 1950

≈ ME 2504/50-51

To

T e Secretary
Government of ysore,
Local Sel Government Department
BANGALORE

Sir,

Subject Compromising cert in civil cases by
Cramm p tna M nicipality

I have the honour to state th t the Municipal Council Channapatna have at their meeting held on 15-11-1950 resolved to set the three civil suits launched by Sri S aravanabavan against the Municipal Council compromised out of Co rts by paying him a sum of Rs 1800/- fro out of the Municipal funds T e party has agreed to receive only Rs 1700/- and to withdraw the suits filed by him

2 Under sec 170 (1) of the Town Municipalities Act 1933, the Council is competent to compound or compromise in respect of any suit instituted by or against it As such, the municipal Council have been intimated to decide t e s me according to the merits of t e individual cases after obtaining necess ry legal opinion in the matter

3 As reg rds the compromising of t e suit filed by the party claiming the refund of Octroi paid by hi on the handloom sarees imported by him t e Mr circality is sure to lose its i come It may also affect the policy of Government, as such co romise may give raise to many more cla ms for refund of octroi paid by other clot merchants on handloom sarees imported by t em, into the limit of this or any ot er Municipalities

4 I requ t you kindly to get the case exam ned and to clarify th position very early

5 The entire connected record accompany for f vour of reference and return

Yours faithfully,

Deputy Co missioner
Ban alore District

Pvp/2/-

[G R S App F G 3]

GENERAL AND REVENUE SECRETARIAT

Continuation sheet draft form

L. 9567 Dt 20/11/50

To The Dy Comm, Bangalore

Sir,

Sub - Compounding certain civil cases by Chennapatna Town Mcl

With reference to your letter no M66 2854/50 S1 Dt 29-11-50 on the above subject, I am directed to request you to obtain and forward a copy of the legal opinion obtained by the Chennapatna Town Mcl in this behalf and also to intimate the result of the case posted for hearing on 22-11-50

Yours faithfully

MS 12/12

for L Sy Secy to Govt

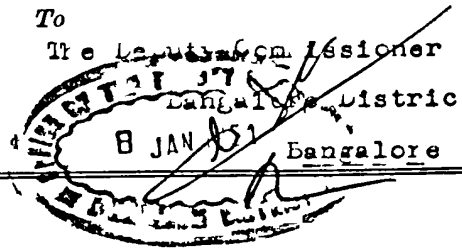
WD 06072—GPB—25 00—21 6 49

MEMORANDUM

From

THE PRESIDENT
Town Municipal Council
CHANNAPATNA

To
The Deputy Commissioner
Bangalore District,
Bangalore



Jo No 160/50 ST
Council

Sir,

In continuation of this report of even No dated 16th Nov 195(regarding the compromise of cases instituted by Sri S Narayanaswamy against the unicipality I write to state that decress have since been passed on 20th December 1950 against the unicipality in C S 175 and 204 49-50 by the unsiff Ramanagaram The Municipal Advocate has been requested to obtain and send copies of decress for taking further needful action

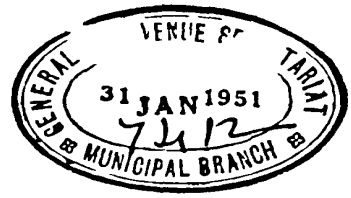
Yours faithfully,
K Seeka Rao
President
2 21/1/1951

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
Bangalore dated the 24th January 1951

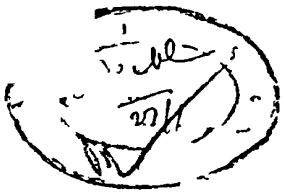
No 16 2554/50-51

To

The Secretary to the Government
Law Department, Bangalore



Sir,



Subject: Compounding of certain Civil Suits by Channapatna Municipality.

**** Ml 92-51-88

With reference to your letter No L 9567 dated 20 12 1950 and in continuation of this Office letter of even No dated 19 1 1951 I enclose herewith a copy of Judgement delivered by the Munsiff Ramanagaram passing a decree for Rs 1,800/- against the Municipality and in favour of Sri Narayana Swamy on the strength of the resolution passed by the Municipal council agreeing to compromise the three suits as already reported

1 The Counsel for the Municipality has opined that the Municipality can achieve nothing by going in an appeal and advises the Municipality to give effect to the Resolution of the Municipal Council

2 ~~The Counsel for the Municipality has opined that the Municipality can achieve~~ The Municipal Council is no doubt, invested with the statutory power of compounding and compromising any case, but before passing the resolutions the council should have considered the result of such resolutions

4 Even in this particular case, the council was too hasty in passing the resolution and thus they were estopped from proceeding with the suit in which a State policy was involved

5 Any how, as already opined by the Counsel the Municipality has no other go but to pay the agreed sum and settle the matter

6 As regards the Interpillation of the word piece goods" it is for the classification of the Government as to whether the word includes cloth manufactured by powerloom and handloom or not

7) The connected records and the enclosed Judgement copy may kindly be caused to be returned after perusal

Yours faithfully,

DEPUTY COMMISSIONER
BANGALORE DISTRICT

VKG:2

1951నే జనవరి మాండి కార్ 17-1-51 నే బుధవారం నాయంకాలం 4½ గంటలకు
శ్రీమువన దళ్ళు నడిచిన 7-1-51 నే కాంటాయిన అడ్వర్టైజ్ మెంటింగ్ క్రింద నిడుదవోలు

మాంటింగ వెళ్ళి క్రిందివారు
17 42 లవరు కలబిల్ దాదాపు రెండు గంటలు

శ్రీ వివి నారాయణ స్వామి మయవరు
మునిసిపాలిటి మేటి రాజమహేంద్రవరం మున్సిపా
లిటి కోర్టు సళ్ళు నడిపిస్తున్నారు వారిపై
గల్ల మున్సిపాలిటి మయవరు క్రిమినల్ కోర్టు
సళ్ళు కాకినాడ రివిజన్ అప్లికేషన్ విచారణ
ల్లూ కేసులు గెలిచినవారు రాజీ మాడికొన్నారని
దెప్పిపొడుచు నవీంచుకే కింగ్ళు సళ్ళు కీమాన్
నిధిదత్రీకార మున్సిపాలిటి రవళ్ళ మందిరువ
వరకు కోసినల్లూ డిక్రీ కొంచ్చిరువ విచార-

'Extract'
K. Seetha Ramulu
Trained
Town Municipal Council
Cl

ఈ విచారణన్ను .....
క్రిమినల్ కోర్టు సళ్ళు మునిసిపాలిటి మయవరు దాము
లాడిదని రివిజన్ అప్లికేషన్ కొరక్కలమాని
రున్నదంది మున్సిపల్ డిక్రియు మేలకు అపీ
లు మాడుచుదు మూల్య వల్లనేండూ డిక్రీచ్చిరి
శ్రీ నారాయణ స్వామియు వరిగే ఉణపాపతి మం
డ బుచ్చుదండూ కీమాన్ నిధిలాయిరు ఒ
SI మున్సిపాలిటి మయవరు రవచన్ను రాసిచ్చిరి

(Sd) B N Rama Rao
President CH 11/1/51

CHANNAPATNA [stamp]

ಚನ್ನಪಟ್ಟಣ ಟೌನ್ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್

1950ನೇ ನವಂಬರ್ ತಾ 15-11-50ನೇ ಬುಧವಾರ ಬೆಳಗ್ಗೆ 10-30 ಘಂಟೆಗೆ ಪುರಭವನದಲ್ಲಿ ನಡೆದ ಅತ್ಯವಶ್ಯ [illegible] ಸಭೆಯ [illegible] –

x x x

1) [illegible] [illegible] 25-10-50ನೇ [illegible] 16ನೇ [illegible] 5-11-1950 [illegible] 14-11-50 [illegible] 25 10 50 [illegible]

[illegible]

"Extract" 'copy' (Sd) [illegible] Rama Rao 15/11
President CTM

K. Seetha Ramaiah

B. T. KEMPANNA, B.A., LL.B.
Deputy Commissioner

OFFICE OF THE DEPUTY COMMISSIONER
AND DISTRICT MAGISTRATE
BANGALORE DISTRICT
Dated 9th September 1951

D O No 16-2551/50-61

Dear Sir,

In enclosing herewith a D O letter received from the President, Municipal Council, Channapatna, in the matter of payment of the decree amount to Sri Ramaswamy, I write to request you kindly to obtain in all orders of Government in this behalf

The records sent to your office with my letter of even number dated 24th January 1951

Yours sincerely,

To

Sri V Ramakantappa, B A,
Assistant Secretary to Government,
Local Self Government Department,
Bangalore

11/9/51

PROCEEDINGS OF THE GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE

R e a d :-

Correspondence ending with the letter No.Mu.2554/50-51 dated the 24th January 1951 from the Deputy Commissioner, Bangalore District, forwarding a copy of Judgment delivered by the learned Munsiff, Ramanagaram, passing a decree for Rs.1,800/- (Rupees One Thousand Eight Hundred only) against the Channapatna Municipality and in favour of one Sri Narayanaswamy, who launched three civil suits against the Municipality, on the strength of the resolution dated 15th November 1950 of the Municipal Council, Channapatna, agreeing to compromise the above three civil suits.

ORDER No L /0193-S/dw 99 SI 89

DATED, BANGALORE, THE 24 DECEMBER 1951.

The Municipal Council, Channapatna, is permitted to pay the amount due under the decree

for Secretary to Government,
I.S G. Department.

To

The Deputy Commissioner, Bangalore District, Bangalore, with entire records,
" Controller, State Accounts Department, Bangalore,
" President, Town Municipal Council, Channapatna

INS 5.15/12.

ML 92-51-89

Proceedings of the Govt of Mysore

Read:- Correspondence ending with the letter no Mb 2554/50-51 of the 24th January 1951 from the Deputy Commissioner, Bkre forwarding a copy of Judgement delivered by the learned Munsiff Ramanagaram passing a decree for Rs 1,800/- (One thousand) against the Channapatna Municipality and in favour of one Sri Narayana Swamy who launched three civil suits against the Municipality, on the strength of the resolution of the 15th Nov'50 of the Municipal Council, Channapatna, agreeing to compromise the above three civil suits

3890/ML

5 copies here

Order There on no L 10123-5 dt 24-12-51

[redacted]

The Municipal Council Channapatna is permitted to pay the amount due under the decree ~~passed by the learned Munsiff Ramanagaram~~ Subject to appeal ~~by the Municipal Council~~

for Jt Secy to Govt

The D C Bkre Dist with entire records
The C S A D (2 copies)
The Pdt T M C, Channapatna

15/2/52